

The Sydney Morning Herald.

PRICE THREPENCE.—**£3** PER ANNUM.] VOL. XXXL

WEDNESDAY, DECEMBER 3, 1851.

No. 4540 [CASH TERMS FOR ADVERTISEMENTS.

STEAMER FOR THE CLARENCE RIVER.

THE PHENIX steamer, perfectly refitted, will leave on her next trip, Wednesday, the 10th instant, at 8 p.m., from Phoenix Wharf, Erskine-street.

FOR MORPETH (HUNTER RIVER.)

(Calling at Newcastle and Raymond Terrace.)

THE fine Brigantine

ALGER,

50 tons burthen, master, has

room for ten tons only, and

will sail This Evening, early, to

JOHN MORRIS, Agent.

Athion Wharf, (foot of Market-street).

FOR PORT MACQUARIE DIRECT.

THE Regular Trader

ELIZABETH COHEN,

will leave the Hunter Wharf,

on Friday, 5th December.

For freight or passage, apply on board, or to

MR. HENRY COHEN,

Hunter-street.

ONLY VESSEL FOR THE CLARENCE RIVER.

THE unrivaled clipper

Brigantine

MIC MERRILLES,

130 tons, E. S. Smith, Com-

mander, having arrived, will meet our

usual quick despatch. For freight or passage,

having most superior accommodations, apply to

EDWARD DAVIES,

Davies' Wharf, bottom of Market-street.

Freight, 15c. per ton.

December 2.

FOR THE RICHMOND RIVER.

THE CLIPPER

Schooner

RHOEDERIC DHU,

Wm. Malcolm, master, will sail

on Saturday, 6th December.

For freight or

Passage apply on board, at Northwood's

Wharf, foot of Erskine-street.

11283

FIRST VESSEL FOR MORETON BAY.

THE M A R Y

STEWART,

will continue taking in cargo

until a change of wind. For

freight or passage apply to Capt. Allen, on

board, at the Flour Company's Wharf; or to

THOMAS STEWART,

Erskine-street.

11266

FOR MORETON BAY.

THE fine schooner

LAVINA,

90 tons burthen, H. Wyborn,

hourly expected, has

most of her cargo engaged, and will sail, full

or not full, three days after arrival.

For

freight or passage apply to

HENRY CLARKE,

Union Wharf.

December 3.

11280

FOR MORETON BAY.

(Will receive cargo all this day, and sail

positively to-morrow, weather permitting.)

THE clipper

JACK,

Murphy, master, Daily Ex-

pectant, will be hourly de-

spatched, all goods intended for the above

will be stored at the Flour Company's

Wharf free of charge. For freight or passage, apply to

W. U. HARRIS, Agent.

Flour Company's Wharf.

10698

FOR WIDE BAY DIRECT.

THE first - class

schooner

HERCULEAN,

120 tons, hourly expected,

and will be quickly despatched. For freight

or passage apply to

THOMAS CROFT,

Commercial Wharf.

A cargo of 64 tons A. A. Company's Coals

to be disposed of.

11228

FOR WIDE BAY.

(Detained till Saturday, at request of Shippers.)

THE splendid new

brigantine

MARGARET AND MARY,

130 tons, Currie, master,

having most of her cargo engaged, will sail

as above, should the weather permit. For

freight or passage apply to

JOHN MORRIS, Agent.

Albion Wharf (foot of Market-street).

11237

FOR MELBOURNE THIS DAY.

For Passage only.

THE BRIGANTINE

BRIONNELL,

S. Lapthorne, Commander,

will go to sea This MORNING.

FOR PASSAGE ONLY apply to

E. M. SAYERS,

Port Phillip Packet Office,

489, George-street.

11263

FIRST VESSEL FOR MELBOURNE DIRECT.

THE clipper

FAVORITE,

T. Stericker, Commander,

will go to sea This MORNING.

This beautiful vessel, which makes her trips with the regularity of a

steamer, is most comfortably fitted in cabin

and steerage, and is well found. Beds,

linen, and the best wines and provisions sup-

plied on board free of extra charge.

For light freight or passage apply on board,

at the Flour Company's Wharf; or to

E. M. SAYERS,

Port Phillip Packet Office,

489, George-street.

11264

FOR GEEONG LONG THIS DAY.

For passage only.

THE SCHOONER

COQUETTE,

Captain Johnson, will go to

see This MORNING.

For Passage ONLY apply to

E. M. SAYERS,

Port Phillip Packet Office,

489, George-street.

11265

FOR POINT DE GALLE DIRECT.

To sail on the 10th proximo.

THE A. I. Ship

BURLINGTON,

Captain Cook, 690 tons re-

gister, will sail as above, and

having superior cabin accommodations offers a

very favourable opportunity to passengers

proceeding to England by the overland route.

Captain Cook will be happy to make very

liberal arrangements with any person pro-

ceeding to India with horses or with individual

shippers, and the Burlington has great

many excellent decks, and is a very safe and

sure ship, particularly adapted for the trans-

portation of stock. For particulars apply to

Captain Cook, on board; or to

F. W. CLARKE,

Jamison-street.

11266

FOR MELBOURNE DIRECT.

To FOLLOW THE HIRONDELLE,

THE PHENIX

steamer, perfectly re-

fitted, will leave on her next

trip, Wednesday, the 10th

instant, at 8 p.m., from

Phoenix Wharf, Erskine-street.

11221

FOR MORPETH (HUNTER RIVER.)

(Calling at Newcastle and Raymond Terrace.)

THE fine Brigantine

ALGER,

50 tons burthen, master, has

room for ten tons only, and

will sail This Evening, early, to

JOHN MORRIS, Agent.

Athion Wharf, (foot of Market-street).

11225

FOR PORT MACQUARIE DIRECT.

SALES BY AUCTION.

UNREDEEMED PLEDGES.
M. ALEXANDER MOORE will sell THIS MORNING, at the Labour Bazaar, Pitt-street, at 11 o'clock. The unredemmed pledges, pawned with Mr. W. G. Moore, as per former advertisement.

Terms, cash. 11269

6 CASES SUMMER SLOPS,
just landed, at Waterloo.

M. R. FAWCETT has received instructions to sell by auction, at his Commercial Rooms, George-street, on THURSDAY, December 4, at 11 o'clock precisely. Six cases summer slops, just landed, all beautifully got up, and well adapted for the present season, consisting of—

Gentlemen's fancy checked Thibet waistcoats
Ditto silk valence ditto

Ditto French plain cambric ditto
Ditto muslin ditto

Ditto plaid Chali ditto
Ditto rich silk ditto

Ditto light silk ditto
Ditto embossed cashmere ditto

Ditto fine black, holland lined, fishing coats

Ditto trimmed muslin ditto

Ditto summer coating ditto

Ditto lined muslin alpaca ditto

Ditto superior Oronox Thibet ditto

Terms at sale. 11148

90 Sides first-rate Bacon.
21 Prime Colonial Hams.
50 Superior ditto Cheeses.
12 Hides.

M. R. FAWCETT will sell by auction, on THURSDAY, the 4th December, at half-past 10 o'clock precisely.

50 Sides first-rate bacon
21 Prime colonial hams

50 Superior ditto cheeses

12 Salted hides

Terms, cash. 10257

40 CRATES CROCKERYWARE.
Without Reserve.

M. R. ISAAC SIMMONS will sell by auction, at his new Auction Mart, situated opposite the Post Office, on THURSDAY, December 4, at 11 o'clock precisely, 750 dinner services, breakfast, soups and saucers

60 toilet sets, flowerings blue and gold

30 dozen blue chamber

100 ditto lustre cans

200 ditto flat dishes, 9 to 16 inch

200 ditto muffin plates

200 ditto dinner ditto

60 ditto round tart dishes

60 ditto bakers' ditto

200 ditto royal muffin plates

200 ditto dinner plates

150 ditto dinner dishes (new patterns)

12 dinner services, complete

100 dozen bowls

300 dozen white and gold egg cups

100 large jugs

50 breakfast services, white and gold

With a great variety of their goods.

Terms at sale. 11116

IMPORTANT SALE OF IRONMONGERY.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street, THIS DAY, Wednesday, December 3, at 11 o'clock precisely.

The following assortment of Ironmongery—

100 camp ovens, from 1 to 19 inch

150 iron pots, from 2 to 20 gallons

Braze's carpenters' adzes

Diamond pointed adzes

Fine cut tacks, 4 to 4 inch

Ditto ditto brads, 4 to 4 1/2 ditto

Broadheads round pointed said irons

Wood screws, 4 to 2 inch

Brass till locks, 2 1/2 to 8 ditto

Paten rim locks, 8 to 8 1/2 ditto

Three-holed rim locks, ditto

Japanned iron buttons

Fine plate locks, 6 to 9 inch

Japanned iron buttons, 6 to 1 1/2 inch

French tacks, 4 to 4 1/2 ditto

French cut tacks, 4 to 4 1/2 ditto

Broadheads round pointed said irons

Wood screws, 4 to 2 inch

Till locks, 2 1/2 to 8 ditto

Brass till locks, 2 1/2 to 8 ditto

Patent rim locks, 8 to 8 1/2 ditto

Three-holed rim locks, ditto

Japanned iron buttons

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LATE ENGLISH NEWS.

HISTORY OF THE WEEK.
(From the *Atlas*, August 9.)

POLITICAL.

The opening of the present week presents sufficient tokens of the impending prorogation. Nobody says a word more than he can help, or does a thing more than he is obliged. Conscientious members have "paired off" for the remainder of the session - non-conscientious members have gone off without pairing. The few remaining members get through the work hurriedly and haphazardly, loudly complaining of any interference with their power at such a time. The Lords were occupied on Monday with the compensation to which the general establishment of cemeteries would entitle the clergy, and the Commons with another ecclesiastical matter, the Capitular Estates Bill. It is quite evident that any measure on this subject can only be intended for a temporary piece of patchwork. It is impossible that the present arrangement can last, by which ecclesiastical dignitaries who have agreed to take fixed incomes are permitted to manage their temporalities as they please, and in which sees of spiritual professorships are called upon to undertake business more complex and more worldly than any business in existence of the same nature. The principal feature of the measure is the more direct recognition of the claims of the lessors than suits some people; and an account of the use which may be made of the terms of the act, Sir J. Graham pleaded hard for the postponement of the bill till next session. It was urged on the other side, that the provisions of the bill had been before the public for years. Another, a less avowed reason for proceeding with it is the fixed belief that no measure of the kind can last long, or serve a better purpose than that of remedying a present inconvenience. The bill passed on Wednesday.

On Tuesday the Lords negatived a proposition of Lord Montegue's to explain fully the meaning of the penalties of the Ecclesiastical Titles Bill. The Commons, after disposing of several matters of routine, were counted out at an early hour.

Wednesday and Thursday were devoted to winding up the bills of the session, in the course of which the new Patent Law, after passing all its stages, was thrown out by the Lords, who found that they had not time to consider the Commons' amendments. The Bishop of London demanded a church for English residents in Rome, and remarked that Foreign politicians meant entire toleration for himself, and no toleration whatever for any one else. Lord Palmerston, alluding to the infamous political prosecution of Naples, said that he had sent copies of Mr. Gladstone's pamphlet to our representatives at all the foreign courts, with the hope of interesting them on the subject.

SOCIAL.

The great English visit absorbs public attention in France, and attracts attention here more than any other topic in this listless season. The mishap of the aldermen and commissioners are the principal features. These unfortunates have been subjected to every kind of vexation. They were left behind for want of room in the train in London; their baggage was detained by the Custom-house at Boulogne; they arrived at Paris without their proper attire, which was locked up in their boxes, and had to get rid of at the nearest outfitter. This done, they discovered that their tickets were locked up as well as their dresses, and had to stand, hungry and tired, outside of the Hotel de Ville, conscious that all the while a sumptuous entertainment was going on within, to which they were the invited guests. Even those who were fortunate enough to find themselves in the inside, were crammed into inconvenient rooms while the preparations for the entertainments were going on. Meanwhile, these vexations appear the least of the visit has been without a parallel. The authorities gave them a splendid banquet at Boulogne by way of proving that all France was interested in their visit. They passed to Paris through triumphal arches, such as France only can furnish. The Hotel de Ville was furnished up for their reception in a style which made the *Admiras* of the Mansion-house stare with alternate envy and astonishment. The dinner was beyond the utmost glory of Maynois, and the play and concert which followed it, certainly equalled another thing from a civic concert at a Polish ball. The population of Paris were absent from one end of the city to the other, to see so unwonted a sight as the "Grand Mairie de Londres." His advent is announced in placards six feet in height; he visits Versailles, and 100,000 people run after him. The great wish of the hour is to catch a glimpse of his portly person; even the prisons, the arena of French public opinion, open for his inspection. No excitement has occurred for years, in the midst of the city of heroes and festivals, equal to the visit of Alderman Musgrave, attended by the corps of Aldermen and the Royal Commissioners, to the Prefect of the Seine. Such is Paris.

Lord Granville made an excellent speech at the banquet, the only intelligent fact worth notice in this display of courtesies and scockery.

A large dinner was given at Derby on Tuesday to Mr. Paxton, in honour of the Crystal Palace. We are, and have always been, willing to admit the high merits of Mr. Paxton. He has adapted, to a purpose as useful as it was unexpected, the old principle of the hot-house or conservatory. He came forward at a time when we were much puzzled for a building, and met us with some difficulty. The king in his majesty, and he succeeded it with much talent. But when he gives us the whole history of the rise and progress of the building in his own mind, every time he is present at a public meeting, it is, perhaps, a little too often to tell the tale. Mr. Paxton has a noble reputation, and has deserved it; let him not injure it by too great self-complacency, or destroy it by laying upon it, whether in the way of praise or influence, more than it will bear. Many good things may be overdone; let not one of these be Mr. Paxton's glory in the Great Exhibition.

FOREIGN NEWS.

(From the *Atlas*, August 9.)

ITALY.

In a leading article, last Saturday, which professes to go upon peculiarly good information, the *Atlas* has a new story to tell of intelligence from Rome. It denies that the Pope has demanded the withdrawal of the French troops, but represents the French as unable to endure any longer the position of supporting the odious, tyrannical, feeble, and impracticable Government of the Pope: wherefore the Government of Paris has conveyed to the Pope an intimation "expressing, in distinct language, that as the French army must be withdrawn from Rome without discredit, it is to the surround of the Pope in Italy to Austria, which can remain there without taking steps to secure to the people of Rome some of the advantages of a better government." The coolness between the French and the Papal Government has recently come to an open rupture, on the distribution of military posts; and, to the threat just cited, the Pope has retorted by threatening to retire to the dominions of Naples, a step intended to tell, through the French clergy and their priests, of more faithful adherence to the contemplated re-election of President Bonaparte.

Accounts from the Roman frontier state that the immediate cause of Radetzky's return to the severity of the laws has been the callous manner in which the murder of Dr. Vandoni had been committed at. Otherwise the murderer must have been traced by this time. It is positively known that he arrived direct from Switzerland, and, after poising his victim, left by the train for Tessino via Como.

DENMARK AND THE DUCHESS.

It has been stated that several members of the royal family of Hesse, forming the branch of immediate successors to the throne of Denmark, had signed a renunciation of their claims to that throne in favour of the young son of the collateral branch of Glucksburg.

It seems that this act of renunciation has only been signed by a small portion of the Hesse family, namely, the prince and princesses of Hesse. The other agnates in the female line, the Queen widow of Christian VIII: the Princess Caroline, wife of Frederick the Sixth's sister, and the Princess Caroline, wife of the hereditary prince and the eldest daughter of Frederick VI., have refused to sign the document. Russia, it seems, will not consent to adopt the Glucksburg line in case of complete unanimity renunciation on the part of the other heirs. Then it is evident that the endeavour to drop the succession on the young Arnaise of Glucksburg is at present as far as ever from success.

SPAIN.

On the 27th, Queen Isabella, accompanied by the King, made a solemn pilgrimage, in state, to the Church of "our Lady of Atocha." Queen Christina, and the diplomatic corps were present. A Te Deum was sung in thanksgiving for the prospect of a direct succession to the crown: after which, the Queen having remained praying for some time in a private chapel, she retired amidst the loud demonstrations of joy and devotion from the immense crowd that thronged the passage of the royal cortège.

There has been a grand field day of brutal display at the Plaza de Toros, in the presence of the King, Queen Christina, and the reigning Monarchs, with a great and ferocious bullfight, were the first contestants; the former made very little fight, and sought to escape, but of course in vain. The dogs were at length called off, and he was taken to his cage amidst the hisses of the spectators. A hyena was the next exhibitor, with four dogs, which were also too much for him and quite overpowered him, though one of them got pretty well bitten; he was conducted to a cage in time to receive no more damage, and a tiger being introduced, amidst which powerful animal thirteen dogs were successively set. Some of the first once got a good squeezing, and for some time they kept off, contenting themselves with barking; but numbers prevailed in the end, and one dog stuck to him throughout from the moment it was set upon him. The bear was fairly exhausted at last, and the dogs were then sent off, and the bear entered his den more fatigued than hurt. The last and chief feature of attraction was a lion, which had been brought in from a wild-looking lion, and a bull from Colomera Viejo. The latter presented himself first in the amphitheatre, and the lion was introduced directly afterwards. He no sooner came to the bull at the opposite side than he went straightforward, and endeavoured to spring on him, but the bull received him well, and threw him down, and then attacked the bull behind, and got such a hold of his tail that the bull could not shake him off. Had the lion's claws been directed to his neck, instead of his tail, he would probably have torn the bull to pieces; but, as it was, he made no impression on the bull's hide, and only succeeded in biting off his tail, when the bull freed himself, and maddened by the pain, attacked the lion with violence, tossing him and throwing him till the lion, being badly wounded, beat a retreat to a great distance from his adversary as possible, leaving the latter master of the field, the bull being loudly cheered by the spectators. It is to be observed, that if the lion refused to fight, darts with fireworks attached (*banderillas de fuego*) should be used to excite him, as they are to bulls in similar cases, and there was a general cry for them to be produced, but the local authority who presided (the King Consort nominally doing so) was deaf to the cry, and eventually left the place, as did the royal portuguese and many of the spectators, who a number of others, however, sticks, knives, &c., descended from their seats, and attacked the wounded lion through the railing in a barbarous manner; but they were at length forced back by the civic guard. The mobility was a bad humour from the commencement. The King Consort arrived nearly an hour after the beginning, and he was not very well received, in consequence. Then the combat was to begin, and there was more of a fight than there can be seen in former occasions, many were disengaged from the whole affray, and the poor lion suffered for it.

UNITED STATES.

The United States mail steamship Franklin, with English and Frenchmails and passengers, arrived at Cowes on Thursday. She brings about eighty passengers, and speaks to the amount of 970,000 dollars, of which 1,000,000 were for England. She left New York at noon on the 26th ultimo, and had to contend against strong head winds during nearly the whole of the voyage. The political news is not of moment. The following is from the *New York Herald* of the 26th:

"The most important item of information received by telegraph last night, is that the British minister had peremptorily demanded of the Mexican Government a settlement of heavy backward accounts with her English creditors. In this demand the British minister appears to have backed up by a series of questions from the ambassador of Spain and France. Poor Mexico! convulsed with revolutions, infested by wild Indians, over head and ears in debt, living from hand to mouth on the instalments paid to her for the surrender of half her territories to the United States - poor Mexico! what is to become of her? Is she to be divided, body and bones, by her European creditors, or is she to lapse into the redoubtful alternative of annexation? At best, she seems to be a hopeless case."

A terrible shipwreck, with the loss of the Prussian Minister, is reported to have occurred off Vera Cruz.

CANADA.

Considerable excitement has prevailed in Canada on account of the recession from the Ministry of Messrs. Baldwin and Lafontaine, which is expected to give rise to new political combinations. Dr. Ryerson, somewhat fatigued by the trials of his life in Canada, the ally of Government, and not the friend of the friends of the Voluntaries, has become Chief Superintendent of the Public Schools for Upper Canada. The subject of the Clergy Reserves has been discussed at great length in the Legislative Assembly. Mr. Cayley proposed "to give to the Churches of England and Scotland the amount allotted to them under the Act, and to distribute the balance amongst the other denominations, under the provisions of the Act, except for Church and Education." In these denominations chose to receive it; if the balance so distributed should be found insufficient to allow to each their just portion, to supply the deficiency from the fund to be raised from the waste lands of the Crown." The amendment was rejected by 50 to 13. Mr. Hincks, the Inspector-General, has made a very pleasing financial report. The revenue for the last year exceeded £700,000, while the expenditure for the same period was only £530,000, including the expense of the civil government and the interest on the public debt.

LAW INTELLIGENCE.

CENTRAL CRIMINAL COURT.

On Monday, the December sittings of this Court commenced at the Court House, Darlinghurst, before His Honor Sir ALFRED STEPHENS, C.J.

On the opening of the Court, the ATTORNEY-GENERAL stated, that Mr. Surgeon Russell (who had that morning appeared, on his recognizance, to give evidence in a case of manslaughter, wherein William Ford, of George-street, policeman, had been committed, on the Coroner's behalf, to take his trial) had just been grossly insulted by a scoundrel produced in the position of the Coroner's witness. It was true, that he, the Attorney-General had declined to file an information in the case, but that did not lessen the contempt of which Ford had been guilty.

Mr. Holroyd, who had been retained on the part of Ford when he was committed, urged that, inasmuch as no information had been filed against him by the Attorney-General, he was entitled to be released on his recognizance.

After some desultory remarks as to Ford still being in a position to be prosecuted by a private party notwithstanding the decision of the Attorney-General, His Honor directed that Mr. Russell's statement should be taken on oath by His Honor's clerk in the private room, Ford being present, and that the master should be again brought before him in the course of the day.

JUSTICE FINED.

Mr. P. Fawcett, Pitt-street, and Mr. Patrick Fitzgerald, were each fined £1, for non-attendance. In the cases of the Messrs. Ford, and the Messrs. Flavelle Brothers, of George-street, the Master Justice, in the course of the inquest, at the suggestion of the coroner, had called at Ford's house for the purpose of viewing the stable where the woman had died; that Ford was not then at home; and that he had so viewed the premises in a way to do no injury to the feelings of any one; that he had attended the Court-house that morning in accordance with the recognizance into which he had been brought before the coroner, and under the direction that he was to meet scoundrel, and that he (Ford) was at home when he called to examine his house he would have kicked him out.

The ATTORNEY-GENERAL said, that he would leave this gross case of contempt entirely in the hands of the Court.

William Ford pleaded in mitigation, that he had not attended there that morning to answer the charge of manslaughter, having been apportioned to the Attorney-General, that he did not intend to file any information in the matter. He had been summoned as a juror, and, happening to see Mr. Russell, who, he thought had acted beyond his duty in visiting his house after the coroner's inquest, he had certainly made the remarks in question, for which he now expressed great contrition. He had a large family, and was not in good circumstances.

His Honor said, that in looking over the deposition of the coroner, who displayed a very bad case, in the leading features of which he adverted, he saw that Mr. Russell's evidence was very material, and that his going afterwards to the house was a necessary part of his duty. As Ford had pleaded his ignorance of his appearing there as a witness (knowing the trial was not to come on) and as he had expressed his sorrow, and stated the position of his family, a much more mild sentence would be passed than otherwise the Court would have passed. His Honor said, he had to have been guilty of contempt of Court, and sentenced him to pay a fine of sixty shillings, and to be imprisoned until the fine was paid.

The fine was immediately paid.

MURDER.

Alexander Macdonald, late of the Richmond River, was indicted for having on the 21st of September last, shot one Alexander Golding, whereby he died.

Mr. Holroyd conducted the defence. Attorney, Mr. Pittardingley.

The ATTORNEY-GENERAL stated the case. There was one of those lamentable consequences of a drunken bout, so common in the mining districts. The deceased and partner were both

sawyers, living within a short distance of each other on the Richmond River. On Sunday, the 21st September, deceased and another sawyer named Wilson, came to prisoner's hut, and remained drinking rum until evening. Deceased, who was deceased to have been a quarrelsome man, and who had a drunkard for a son, went to see the prisoner's wife, who with her children were present, in the foulest terms of which language was capable. Prisoner told him that he was a lie, when deceased rushed from the hut, and running in again with a boat paddle about six feet long, made a blow at prisoner. The latter on seeing deceased enter the hut had retreated to the fire-place, and taking down a fowling-piece, called to deceased to stand off; the latter, however, made a blow at him, and at the same time the prisoner's wife, who was present, although deceased had not presented it, but had only brought it to the rest. Deceased fell, and died instantaneously. Prisoner gave the alarm to the police, and afterwards assisted to make deceased's coffin, and attended his funeral. These facts having been proved in evidence.

Mr. HOLROYD, for the defence, adverted to the evidently accidental character of the pistol shot—the conduct of the deceased, his notoriously bad character, and to prisoner's most excellent one. He was about to call witness to character, but was stopped by

His Honor, who put it at once to the Jury, if they thought a case of accident had not been clearly proved. The Jury at once acquiesced, and acquitted the prisoner.

His Honor, in ordering his discharge, told Macdonald that he left the bar without the slightest stain on his character.

FREDERICK BURKE, a man of colour, was indicted for having assaulted, with intent, &c., Sarah Ann Biddle, a child only seven years of age.

The ATTORNEY-GENERAL stated, that this case was on the record on the last sitting of that Court, but his Honor, Mr. Justice Dickinson, having found that the child did not then know the nature of an oath, directed that the prisoner be remanded, and that she be placed under religious instruction. The Rev. Mr. King had now reported that she was, in his opinion, fit to give evidence.

The case was then proceeded with, but the particulars are unfit for publication. Upon the child being placed in the witness-box she was carefully examined by his Honor; but whilst she professed to believe in Heaven and Hell as places of reward and punishment, it was obvious that she regarded them reference to such results in this world alone; having no idea of another. His Honor ruled that the belief of a future state was the ground upon which oaths were taken from all sects of religions, whether Christians, or Jews, or Mohammedans, and as the child had no conception of such a state, he would not receive her evidence. The case, therefore, could not proceed. The Jury expressed their regret after what they had heard from the evidence of the parents, that they were compelled to acquit the prisoner.

The Court then adjourned until 10 o'clock on Tuesday morning.

ASSIZE INTELLIGENCE.

BRISBANE CIRCUIT COURT.

FRIDAY, NOVEMBER 14.

The Civil Business of the Court was opened this morning, at 10 o'clock, before His Honor Mr. Justice Turner.

Lord n. comitted.

The following Jury were sworn to try this case:—Messrs. J. S. Langridge, James Gibbon, Sylvester Doig, and Herbert Elybury.

Mr. PRUNVOR opened the pleadings.

His Honor then stated, that in consequence of the Criminal business of the Court not having been finished, he should adjourn the civil business until Monday.

Adjourned accordingly, and the criminal business resumed.

MOGGY MOGGY, an aboriginal native, was indicted for wilful murder, for that he, with force and arms, at the Pine River, in the colony of New South Wales, did, on the 21st September, 1847, feloniously, wilfully, and with malice aforethought, then there infil a mortal wound on William Bowler, of which wound the said W. Bowler lingered till the 27th September, and died.

The prisoner being called upon to plead, stated through Davis, the interpreter, who his name was Moggy Moggy, but Make-i-light.

The CROWN PROSECUTOR was then permitted to amend the indictment. Prisoner pleaded not guilty.

JAMES DAVIS, blacksmith, Brisbane, was duly sworn as interpreter. Sworn and examined: Has known the prisoner at the bar for some time past; he is a black at the Biggs Scrub, near Brisbane, about that time, and employed him to strip bark off the trees; the prisoner was then called Moggy Moggy, but the whites called him Paddy; witness saw the prisoner about five years ago at Bulimba, at two or three different times, and spoke to him; he said he had thrown away the name of Moggy Moggy, and was then called Oorangalee; remember the murder of Bowler, about five years ago, at the Pine River, which is about 35 miles from Brisbane; Bowler was sawing timber with witness and another man, William Waller; called him there Moggy Moggy, prisoner said his name was Oorangalee. Saw him first on a Sunday, at Pine River, with about fifteen or sixteen other blacks. Prisoner offered to give witness a handcuff, which he refused to receive. Dundalli, a black, asked Waller where the gins were; Bowler replied they knew nothing of them; Bowler and witness were sawing in the pit on the morning of the next day, when a black, who called himself of blacks came; witness saw prisoner spear Bowler in the shoulder as he was attempting to escape; he then endeavoured to escape himself; a black fellow struck witness with a waddy, when he recovered he tried to reach the hat, but was struck again with a waddy; saw Bowler at the hut sitting with a double-barrel gun lying across his knees; witness told Bowler to make his escape; they retreated out of the scrub, keeping Bowler's gun to his shoulder; he asked the blacks why they owed him a grudge; saw the blacks afterwards go

into the hut; witness helped to carry Bowler on his back to Mr. Griffin's station, 2½ miles off; Bowler was removed to Brisbane hospital, witness saw him there three days afterwards; did not see him when he was sent, but saw him come out of the hospital; deceased was a dark man, about 5 feet 6 inches high, and had a broken nose. The day of the murder witness returned to the hut in the afternoon, and found everything taken away: one wound on deceased's shoulder, and one in his belly.

Cross-examined by Mr. Pursey, who, at the request of His Honor, had undertaken to examine the prisoner:

Witness was owned by Captain Wickham, the master of the vessel William Waller, who was killed at the same time, did not mention the prisoner's name Moggy Moggy, saw the prisoner about a year and a half afterwards at Kangaroo Point, did not inform the constables; saw him about four years after Bowler's death; saw Bowler speak about three yards from the pit; quite certain that the prisoner was the man who threw the spear; could pick him out of a hundred blacks.

Kearney Cannon, Surgeon, Brisbane, sworn and examined, deposed, wv the deceased at Mr. Griffin's at the Pine River, he was then unable to move, he had received several severe wounds, one in the belly, between the lower edge of the ribs and the hip, a dangerous wound; I saw him two days after at the hospital; saw him dying, he was since dead; he had a fine name, Dr. Holloway and Scott who were then at the hospital, he was dead.

JAMES DAVIS, the Interpreter, sworn and examined, deposed, that he had known the prisoner at the bar for eighteen or nineteen years; he is about twenty-three years of age; saw him about five or six years ago about the settlement, with two or three of the Wide Bay blacks; had known him by the name of Paddy, and lately by the name of Make-i-light; never saw an aborigine by the name of Moggy Moggy; think it a very hard thing to give account of; although His Honor considered her competent to give evidence.

MARY ANN SLEE, wife of Josiah Sree, sworn and examined: I am a bonnet maker at Ipswich; on the 1st of July last the prisoner, Mrs. Turner, was a dantable, old-fashioned, and of a bad colour; laid the bonnet aside; Mrs. Turner called on the 8th July and claimed the bonnet; she laid the bonnet aside; the prisoner's husband called on the 13th July, and destroyed it by fire.

Mr. TURNER recalled: Identified seven different patterns of ribbons, and three different patterns of lace as her property.

Mr. PURSEY addressed the Jury for the prisoner, and after a long and powerful speech, called the following witness:

JOHN ATTING, tailor, Ipswich, deposed, that Esther Turner was his daughter; that formerly she lived with him at Brisbane; her character was such that he could not believe her on her oath; he gave several instances of her gross misconduct, that it was most painful to his feelings as a parent to appear against his own child, but he was prompted to do so in order to promote the ends of justice.

Cross-examined: He admitted that he had married his daughter by whom he had a daughter whom he was about to get married a short time ago at Brisbane; he had a wife in England when he left, but had not heard from her for many years; he had not written to her for the last four or five months.

RICHARD HENRY HOWELL, watchmaker, in Ipswich: Knows John Turner was in Ipswich in July last; Turner asked me if I had heard that a quarrel had taken place between him and Talbot; Turner told him that the prisoner had received goods from Mr. Turner during his absence from home, but he would make her pay for them; had heard Turner say to Talbot he did not know why they should be bad friends, but he should certainly expect to be paid for his things; called on Mrs. Turner, who said she had sent a bill for the goods, but Talbot threw both bill and goods in Mrs. Turner's face; Turner said, if the goods were not paid for he could get his wife to say that she stole them; the prisoner came out of the court room to this country town; he is known to him now for two years; witness had known Mr. Turner about two years and a half; had no ill feelings towards him; he never offered any money to Turner to settle the business; Mrs. Turner said it would be the best way to settle it; no other person was present on the occasion.

MESARS. ALFRED SLAUGHTER AND JOHN MACKELLAR gave the prisoner an excellent character.

His Honor charged the Jury, who, after deliberating for a short time, returned a verdict of not guilty.

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missing about a fortnight after; Talbot would not pay the bill, but returned the bill and goods for very absent language; I mentioned his coming to Mr. Bowell; I never gave any of the goods to the prisoner.

JOHN TURNER, the husband of the last witness, sworn and examined: I am a baker by trade, but now am engaged in sawing timber in the bush; I saw the prisoner in her own house in July last; her husband was there part of the time; prisoner went to a box and gave me some ribbons, and said she had no more goods, but afterwards gave me some white lace; the prisoner said that my wife gave her some lace.

CROSS-EXAMINED.—The prisoner told me that Mrs. Turner had given her the bonnet and ribbons; I know Mr. Bowell, who spoke to me respecting the things; I never told him that Talbot brought back the goods and bill; Talbot has offered me money to settle the account, but I would not take the money; would not swear that he was pressed for payment; although he was pressed for payment by Hockney, who supplied him with the goods.

MARY ANN MIRRER, a child about seven years of age, was called by the request of the Judge. She repeated the Lord's Prayer. His Honor appeared satisfied that she was competent to be sworn. Some of the Jury having objected that she was too young to understand the nature of an oath, she was then withdrawn; although His Honor considered her competent to give evidence.

MARY ANN SLEE, wife of Josiah Sree, sworn and examined: I am a bonnet maker at Ipswich; on the 1st of July last the prisoner, Mrs. Turner, was a dantable, old-fashioned, and of a bad colour; laid the bonnet aside; Mrs. Turner called on the 8th July and claimed the bonnet; she laid the bonnet aside; the prisoner's husband called on the 13th July, and destroyed it by fire.

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ON TUESDAY A PRELIMINARY MEETING WAS HELD AT THE MANNSING HOUSE, DUBLIN, BY THE LORD MAYOR PRESIDING, FOR THE PURPOSE OF ADOPTING MEASURES FOR THE ESTABLISHMENT OF A TRANSMARITIC PACKET STATION IN AN IRISH PORT.

MR. GREENLEY, THE PROPRIETOR OF THE NEW YORK TIMES, WAS PRESENT. HE SAID HE HAD VISITED GALWAY FOR THE PURPOSE OF FORMING A JUDGMENT ON THE SUBJECT, AND PROPOSED TO ENDEAVOUR TO INDUCE THE AMERICAN GOVERNMENT TO MAKE TWO OR THREE TRIALS WITH THEIR OWN STEAMERS AS AN EXPERIMENT.

ON THE SAME DAY, A CASE WAS BROUGHT BEFORE THE MASTER OF THE BAILIFF IN WHICH JUDGEMENT WAS RENDERED UPON A BILL WHICH HAD BEEN ORIGINALLY FILED IN THE YEAR 1748, MORE THAN A CENTURY AGO. WE HAVE TO TURN BACK THROUGH TWO OR THREE VOLUMES OF LORD CAMPBELL'S *LAW OF THE CHANCERY*, BEFORE WE MEET WITH THE NAME OF THE JUDGE WHO MADE THE ORIGINAL DECREE IN THE CAUSE. IT APPEARS THAT THERE WAS A MR. POPE, WHO DIED IN MASSACHUSETTS IN 1748. FIVE YEARS AFTERWARDS, IN 1753, A BILL WAS FILED FOR AN ACCOUNT OF THE DISPUTE BETWEEN THE STATE OF MASSACHUSETTS AND MR. JASPER. IN 1753, LORD HENRY DE LA ROCHE MADE A DECREE IN THE CAUSE, AND DIRECTED THAT ACCOUNTS SHOULD BE TAKEN. IN 1754, THERE WAS A REPORT TO THE EFFECT THAT SOMETHING MORE THAN £5000 WAS DUE FROM THE REPRESENTATIVES OF JASPER TO THE STATE OF MASSACHUSETTS. MARK THE COURSE OF THE TRANSACTION. IN 1772—THAT IS TO SAY, A QUARTER OF A CENTURY AFTER THE FILING OF THE ORIGINAL BILL—CERTAIN MONIES WERE PAID INTO COURT AND CERTAIN AMOUNT OF STOCK WAS TRANSFERRED. WHERE IT HAS REMAINED EVER SINCE—HOW OR WHY WE ARE SIMPLY UNABLE TO SAY, FOR THE APPENDIX TO THE MASTER OF THE BAILIFF ON THE SAME DAY WAS AN *EX PARTE* SUIT FROM JASPER'S REPRESENTATIVES. THE SUIT, SO IT WAS STATED, HAD BEEN REVIVED IN DUE FORM, AND AS THE MASTER OF THE ROLL EXERCISED A VERY PROPER CAUTION IN NOT DEALING UPON A MERE ONE-SIDED STATEMENT, WITH SO LARGE A SUM AS £10,000, IT HAS FAIRLY FLOURISHED FOR ANOTHER CENTURY. THE CASE IS NOW REMITTED TO THE OFFICE OF ONE OF THE MASTERS OF CHANCERY, AND SO IT MAY BE CONSIDERED AS A PRACTICABLE WAY FOR SETTLEMENT. IN A CASE OF THIS KIND, AND WITH THE REPORT IN THIS CASE, WE CANNOT OF COURSE UNDERSTAKE TO SAY THAT THE NEGLECT OF THE HIGHER COURTS SINCE 1772 MAY NOT HAVE BEEN IN SOME MEASURE THE CAUSE OF THE DELAY; BUT WITH OUR PREVIOUS KNOWLEDGE OF CHANCERY PROCEDURE, THERE IS LITTLE NECESSITY FOR ANY EXPLANATION OF THIS KIND. IT SEEMS STRANGE THAT WHEN POPE'S REPRESENTATIVES HAD OBTAINED A REPORT IN THEIR FAVOUR IN 1764, AND MONEY HAD BEEN PAID INTO COURT IN 1772, THEY SHOULD NOT HAVE MADE STEPS TO APPROPRIATE THE PROPERTY, HAVING NOT SO MUCH GUARDED BY THE CHANCERY DRAGONS WITH ALL THEIR FANGS AND CLAWS. THERE IS, HOWEVER, NOTHING EXTRAORDINARY IN THE CASE THAT WE SHOULD LAY MUCH STRESS UPON IT. NOTHING WOULD BE MORE SIMPLE THAN TO PRODUCE A SERIES OF SIMILAR ILLUSTRATIONS OF THE PROCEDURE IN THE COURT OF CHANCERY. HERE, THEN, IS A SPECIMEN OF THE SYSTEM IN ITS RESULTS. WE CANNOT, WITH MUCH AN INSTANCE BEFORE US, BUT DOUBT THE STATEMENT OF THOSE GENTLEMEN CORRECTLY, WITH THE CHANCERY BAR WHO INFORM US THAT VERY LITTLE CAN BE DONE IN THE WAY OF RECOVERY. TO BE SURE, THEY HAVE AN OCCASIONAL ORDER FROM THE CHANCERY WHICH ALLOWS FOR A FEW FORMAL CHANGES IN THE PRACTICE OF THE COURT, BUT SO SLIGHT AN ALLEGATION OF THE EVIL DESERVES THE NAME OF EVEN AN ATTEMPT AT REFORM.—*TIME, JULY 29.*

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